

Comments:

Thank you to Karen Foster for getting a start on this! This document may be easier to read if you turn off Track Changes.

The biggest change is moving from handicap or disabled parking to accessible parking language. While “accessible parking” seems universal, the RMV and many other places still use “Disabled Parking Permit or Placard”. To be consistent within our own ordinances, we should use “accessible” across the board, but recognizing the RMV uses “Disabled parking permit” and that language is falling out of fashion. I suggested section E. below to make the distinction.

Additionally, there are several things not enumerated here that are required by the RMV. Does it make sense to add language that says “follow all other Registry of Motor Vehicles Provisions Under M.G.L. c. 90, § 2 not identified in this ordinance”?

312.43 Accessible Parking [Added 10-15-1981]

A.

No person, other than a person who is the qualified accessible parking plate or placard holder, and displays thefor a accessible parkingdisability plate or placard, shall stop or park a vehicle in a parking space designated as accessible ~~(handicapped)~~ parking. Violators will be towed. (See § 312-95I.)

B.

Any person, other than a person who is the qualifieds for a disability accessible parking plate or placard holder, who violates the provisions of this section shall be subject to penalties as stated in § 312-95B(4).

C.

On-street and off-street accessible ~~(handicapped)~~ parking spaces are established in accordance with a schedule of streets and off-street parking areas respectively, designated as Schedule XVI in § 312-117, hereto appended to which reference is made and which Schedule XVI is specifically incorporated in this section.

D.

“Accessible parking” defined. Parking spaces designed to comply with standards of the American with Disabilities Act (ADA). This replaces previous terms such as handicapped or disabled parking.

E.

Massachusetts Registry of Motor Vehicles (RMV) refers to “Disabled Parking Placard/Plates”. The City will use “Accessible Parking Placard/Plates”.

§ 312-44 Temporary Disabled-Accessible parking permits [Added 2-18-1982; amended 4-15-1982; 3-21-2002]

A.

Permit required.

(1)

The Parking Clerk or designee of the City of Northampton is hereby empowered to issue a temporary ~~accessible disabled~~ parking permit, valid for 90 days from the date of issuance.

(2)

The temporary ~~accessible disabled~~ parking permit shall be displayed in the manner and place prescribed by the Parking Clerk, and may be obtained at a cost of \$15 upon written proof from a physician that the person seeking to obtain the permit ~~is temporarily physically handicapped~~ has a qualifying mobility impairment.

B.

“Mobility impairment” defined. A person with a mobility impairment shall be construed to mean any person who is temporarily afflicted with a mobility impairment as enumerated in Chapter 22, § 13A, of the Massachusetts General Laws, as amended.

C.

Authorization to park in areas reserved ~~as accessible parking for handicapped~~. The temporary ~~accessible handicapped~~ parking permit shall permit the authorized user of such permit to park in any ~~accessible handicap~~-designated parking areas located within the City of Northampton, which are reserved for vehicles of ~~handicapped persons~~ people with mobility impairments pursuant to Chapter 40, § 22B, of the Massachusetts General Laws, as amended.

D.

Extension of permit, renewal.

(1)

Should the authorized user of the temporary ~~accessible disabled~~ parking permit seek an extension of said permit, that person must, on or before the date of expiration of the permit, request the Parking Clerk or designee to renew the temporary ~~accessible disabled~~ parking permit for another period of 90 days. Only one such extension shall be granted.

(2)

The renewal of the temporary ~~accessible handicapped~~ parking permit shall be within the sole discretion of the Parking Clerk or designee, such renewal not to be unreasonably withheld. The fee for the renewal of the permit shall be an additional \$15.

E.

Appeal of decision of the Parking Clerk not to issue permit.

(1)

Should the applicant be aggrieved by the decision of the Parking Clerk or designee to either issue or renew the temporary ~~accessible handicapped~~ parking permit, then the applicant may, within three days of the adverse finding, appeal in writing to the Parking Division Manager or designee, who shall within 10 business days review the appeal and either sustain the Parking Clerk's decision, or direct the Parking Clerk to issue the permit.

(2)

Should the Parking Division Manager, in his/her reasonable discretion, decide to issue the permit to the applicant, the permit shall be effective from the date of his/her decision for a period of 90 days.

[§ 312-45 Parking spaces required; formula.](#)

[Added 11-4-1982[1]]

Pursuant to MGL c. 40, § 21, any person or body that has lawful control of a public or private way or of improved or enclosed property used as off-street parking areas for business, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings, or any other place where the public has a right of access as invitees or licensees shall

reserve parking spaces in said off-street parking areas for any vehicle owned or operated by a disabled veteran or ~~handicapped~~ person with a disability whose vehicle bears the distinguishing license plate authorized by MGL c. 90 § 2.

Number of Parking Spaces	Accessible Handicapped Parking Spaces Required
15-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of total
1,001 and over	20 plus 1 for each 100 over 1,000

[1]

Editor's Note: Amended at time of adoption of Code (see Ch. [1](#), General Provisions, Art. [I](#)).

[§ 312-46 Designation of parking spaces.](#)

[Added 11-4-1982; amended 12-3-2015]

Parking spaces designated as reserved under the provisions of § [312-44](#) shall be identified by the use of above-grade signs with white lettering against a blue background and shall bear the words "Handicapped Parking: Special Plate Required. Unauthorized Vehicles May be Removed at Owner's Expense"; shall be as near as possible to a building entrance or walkway; shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person; and shall be 12 feet wide or two eight-foot-wide areas with four feet of cross hatch between them except at parallel parking locations; and shall be designated with the International Symbol of Accessibility parking space marking.